

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MEMORANDUM AND ORDER

This case is before the Court on the Motion Substitution of Counsel [Doc. 29], filed by Federal Defender Jonathan A. Moffatt on March 14, 2023. The parties appeared before the Court for a hearing on the motion on March 20, 2023. Assistant United States Attorney Suzanne Sullivan appeared on behalf of the Government. Federal Defender Moffat appeared on behalf of Defendant Isaiah Austin Shelby Robinson, who was also present. CJA Panel Attorney Jonathan Wood was also present at the Court's request.

In the motion [Doc. 29], Federal Defender Moffatt requests that substitute counsel be appointed in place of the Federal Defender Services of East Tennessee (“FDSET”) because counsel has discovered that an actual conflict exists such that counsel should no longer represent Defendant Robinson under the rules of ethics, namely Tennessee Rule of Professional Conduct 1.7. At the motion hearing, the Court inquired as to the Government’s position on the motion. AUSA Sullivan stated the Government did not take a position on the motion. The Court then conducted a sealed, *ex parte* hearing to learn the nature and extent of the problems with the attorney-client relationship. Without going into the confidential nature of that proceeding, the Court finds that, based upon the representations of Federal Defender Moffatt, it appears an actual conflict has arisen in FDSET’s

continued representation of Defendant Robinson. Accordingly, the Court finds good cause exists to grant the substitution. *See Matthews v. Davids*, No. 20-2216, 2021 WL 3817697, at *4 (6th Cir. July 8, 2021) (“[D]efendant ‘must show good cause such as a conflict of interest . . . in order to warrant substitution’ of counsel.” (quoting *Wilson v. Mintzes*, 761 F.2d 275, 280 (6th Cir. 1985)).

The Motion for Substitution of Counsel [Doc. 29] is **GRANTED** and Federal Defender Moffatt and FDSET are **RELIEVED** as counsel of record for Defendant Robinson. Attorney Jonathan Wood agreed to accept representation of Defendant at the hearing. The Court **SUBSTITUTES and APPOINTS** Attorney Wood under the Criminal Justice Act, 18 U.S.C. § 3006A, as counsel of record for Defendant Robinson. The Court **DIRECTS** Federal Defender Moffatt to provide the discovery and information from Defendant’s file to Attorney Wood. Accordingly, the Court **ORDERS**:

- (1) The Motion for Substitution of Counsel [Doc. 29] is **GRANTED**;
- (2) Federal Defender Jonathan A. Moffatt and FDSET are **RELIEVED** of further representation of Defendant and **DIRECTED** to provide the discovery and information from Defendant’s file to new counsel; and
- (3) Attorney Jonathan Wood is **SUBSTITUTED** and **APPOINTED** as counsel of record for Defendant under the CJA.

IT IS SO ORDERED.

ENTER:



Jill E. McCook
United States Magistrate Judge